

EXHIBIT

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Declaration of Peter C. Salerno
In Opposition to Plaintiffs' Motion to Compel
Against Yassin Abdullah Kadi

03 MDL 1570

January 2018

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Elliot R. Feldman, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haefele, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

July 20, 2017

Amy Rothstein
Peter C. Salerno
Salerno & Rothstein
221 Schultz Hill Rd.
Pine Plains, NY, 12567

RE: *In Re: Terrorist Attacks on September 11, 2001, 03 MDL 1570 (GBD) (FM)*

Dear Amy and Peter:

We have reviewed the production of documents from Mr. Yassin Abdullah Kadi (Mr. Kadi) and believe there are gaps in the production that need to be addressed. Without waiving any of our demands for documents for *any* of the requests made, we have attempted to narrow the focus of our current review in order to attempt to resolve them in a good faith meet and confer discussion regarding the areas identified below.

Documents Concerning the KSA Investigation of Kadi

While over 7,500 pages have been designated as responsive to requests # 6, 31, 32, 35, 53, 57, 58, 66-68, only two documents, Kadi 64933 and Kadi 67923, relate to investigations by authorities of the Kingdom of Saudi Arabia (KSA).

- Kadi 64933 references Saudi government investigations into numerous Saudi-based accounts of Mr. Kadi.
- Kadi 67923-67925: A letter requesting the assistance of the Kingdom of Saudi Arabia which references the Kingdom's freezing of Mr. Kadi's accounts.

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No other documents were produced relating to the freezing of Mr. Kadi's accounts by Saudi Arabia or pertaining to any investigation of Mr. Kadi undertaken by the Kingdom of Saudi Arabia. Given the scope of the referenced investigations, and fact that Mr. Kadi is a citizen of the Kingdom, it is apparent that the production relating to the investigative and regulatory activities of the Kingdom is incomplete.

The Charities

Document Requests # 84-89 reference the charities Muwafaq, AHAMAA, IIRO, al Haramain Islamic Foundation (AHIF), the Saudi Joint Relief Committee (SJRC) and the Saudi High Commission (SHC). In relation to these requests a total of fifty-five pages were produced. Gaps exist for each of the entities. For instance,

- IIRO: Plaintiffs are aware of an extensive relationship between Mr. Kadi, his corporate entities, Muwafaq and the IIRO. The relationships are of financial, operational and logistical in nature. We are aware of contacts in Croatia, Bosnia, Albania, Saudi Arabia, Slovenia, Pakistan, Afghanistan and the United States.
- AHIF: Plaintiffs are aware of a relationship between Mr. Kadi, his corporate entities Muwafaq and the AHIF. The relationships are of financial, operational and logistical in nature. We are aware of contacts in Croatia, Bosnia, and Albania. The contacts with AHIF in Albania are of particular interest due to AHIF's involvement with al Qaeda during the same period of time in which Mr. Kadi, his corporate entities, and/or Muwafaq were engaged with AHIF.
- SJRC: Plaintiffs are aware of a relationship between Mr. Kadi, his corporate entities Muwafaq and the SJRC. The relationships are of financial and logistical in nature. We are aware of contacts in Albania and Kosovo.
- SHC: See below.

Please produce all documents related to the gaps identified above.

Osama Bin Laden

Requests #92-94 involve Mr. Kadi's and Muwafaq's relationship with Osama Bin Laden (OBL), and his entities. Our Second Jurisdictional Requests of May 6, 2015 followed up on these requests. Seventy-four pages were produced in response to these requests, only twenty of which followed our letter of May 6, 2015. None of this part of the production was responsive to these requests. In addition to the gaps noted pertaining to al Shamal Islamic Bank *infra*, we are aware of at least two major gaps in the document production relating to these requests.

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- Mr. Kadi had a financial relationship with the business partners of OBL dealing in commodities in the Sudan in which OBL also dealt. Solano, Adiyat Trading and East African Grains are the Kadi controlled companies involved in the production and marketing of sesame seeds as well as other commodities in which OBL was also involved with.
- Mr. Kadi, his corporate entities, and Muwafaq had a relationship with Wadi al Aqiq, an OBL company. Part of this relationship relates to a Sudan-based company called Rowad Development. For a company that was active for five years, your production of fifty-four pages is clearly incomplete.

Please produce all documents relating to the issues identified above.

Kadi Relationships With Other Entities

Document requests # 97-98 relate to a list of entities on Attachment A to the document requests. We recognize that you made a substantial production of documents since our letter of May 6, 2015 in this area. We have however, identified gaps for the following entities from Attachment A.

- Al Shamal Islamic Bank is a Sudanese bank and investment house in which Mr. Kadi held a beneficial interest. You have not produced documents relating to Mr. Kadi's investment and/or divestment in al Shamal. You have not produced documents pertaining to the financial arrangements among al Shamal, Mr. Kadi and Adel Batterjee who was named as a Specially Designated Global Terrorist after 9/11. You have produced some bank statements for Mr. Kadi's accounts with al Shamal but you have not produced other banking records such as wire transfers or client authorizations.
- KA Stan is a Bosnia-based entity in which Mr. Kadi, Mr. Wael Jelaidan and Mr. Chafiq Ayadi held a beneficial interest. KA Stan had extensive contractual relations with, among others, the Saudi High Commission aka Visoki Saudijski Komitet (SHC). SHC provided assistance to al Qaeda. You have not produced contracts, contract reports (interim or final), invoices or payments or other relevant correspondence between KA Stan and the Saudi High Commission. KA Stan also had financial relations with Maram Co. (see below).
- Maram Co. a/k/a Maram Travel a/k/a Maram Seyahat is a company with offices in Turkey and Yemen in which al Qaeda members and/or supporters Wael Jelaidan, Mohamed Bayazid and Mahmdou Mahmoud Salim held a beneficial interest. Mr. Kadi, and corporate entities in which he held a beneficial interest, had extensive financial transactions with Maram Co. While you did produce some records relating to the Kadi-funded project in Yemen, there are major gaps in this documentary record leading us to

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believe that funds from this project were diverted to al Qaeda. Maram also had financial transactions with Kadi controlled entities, Caravan Development and KA Stan. You have produced very few documents relating to these financial transactions and scarce other records pertaining to relationship between Maram and the Kadi controlled entities.

- Solano, Ltd. is an entity in which Mr. Kadi had a beneficial interest. Solano conducted business in Sudan, UAE, Malaysia and Switzerland involving trade in the same commodities as al Qaeda and worked with the same business partners as al Qaeda. You have not produced all the documents pertaining to the purchase and sale of those commodities. While you did produce the 1999 to 2000 statements for accounts Solano held at al Shamal Bank in Sudan, you did not produce other banking records for these accounts such as wire transfers or client authorizations.

Muwafaq

Our letter of May 6, 2015 contained a spreadsheet of Kadi-related bank accounts which detailed our assessment of the production for each of the 147 accounts we identified. While your subsequent production has filled in some of the gaps, for the 55 Muwafaq accounts we have identified, large gaps still exist, particularly for the Pakistani and Sudanese accounts.

Aside from Muwafaq banking records, other gaps exist in the Muwafaq production.

- Within the Muwafaq Bosnia production there is a gap relating to Muwafaq Zenica, particularly with respect to its warehousing and distribution reports. Muwafaq Zenica provided materials to military units affiliated with al Qaeda.
- Muwafaq's support to and communication with the Afghan Support Committee, an al Qaeda group.
- Muwafaq's commercial ventures in Sudan and Pakistan. In Sudan, Muwafaq Ltd., invested with an al Qaeda affiliated oil company. In Pakistan, Muwafaq Trading was run by personnel affiliated with al Qaeda.
- The director of Muwafaq in Pakistan, Amir Mehdi, was arrested by Pakistani authorities for his support to al Qaeda.

While you have produced a few documents relating to the above topics, we believe there is far more documentation in Mr. Kadi's possession or control pertaining to these ventures and personnel related to al Qaeda.

Wael Jelaidan

Requests #95-96 involve Mr. Kadi's and Muwafaq's relationships with Wael Jelaidan. About 500 pages were produced in response to these requests. The extent of the production to date does not comport with the extensive financial, business, and personal relationships Mr. Kadi maintained with Mr. Jelaidan over a period of several decades. We have identified at least 25

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entities in at least 13 countries in which Mr. Jelaidan and Mr. Kadi had significant relationships. Gaps in the production include the following areas:

- All loans to Mr. Jelaidan, including but not limited to those in Pakistan, Afghanistan, Austria, and Bosnia.
- All financial transactions with Mr. Jelaidan, including but not limited to those in the Philippines, Austria, Malaysia, Switzerland, Turkey, and Saudi Arabia.
- The relationship between Mr. Jelaidan, Mr. Kadi and the Muwafaq Foundation in Pakistan, Croatia, Bosnia, Albania, Sudan, and Kosovo.
- The relationship between Mr. Kadi, Mr. Jelaidan and corporate entities including but not limited to Saudi Abrar, Malaysian Abrar, Caravan Development Group, Cavallo Ltd, Euro Invest Ltd, KA Stan, Karavan Construction Co., Karya Saba Bersaudara, Leemount, Lojal, Maram Seyahat aka Maram Travel, and Sara Co Ltd, Trading Services, and Yasin A. Kadi Est.
- The relationship between Mr. Kadi, Mr. Jelaidan and non-profit entities including but not limited to, AHAMAA, Dar al Walidain School, IIRO, Lajnat al Dawa, King Abdelaziz University, Makhtab al Khidmat, Muslim World League, Muwafaq Foundation, Rabita Trust, Risala School, Saudi Joint Relief Committee, Saudi Red Crescent and the Third World Relief Agency.
- Documents relating to business proposals, feasibility studies, and/or business trips Mr. Jelaidan undertook on behalf of Mr. Kadi or his corporate entities.
- All documents provided by Jelaidan to Kadi as referenced in Kadi 4272 and Kadi 102988

Please produce all documents relating to the issues identified above

FOIA Documents

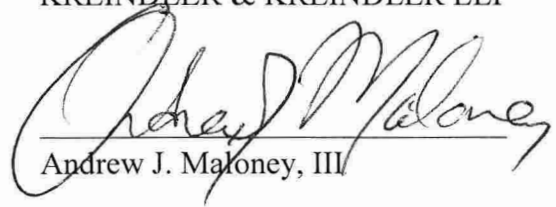
- On Dec 26, 2013 Magistrate Judge Maas ruled that all FOIA requests, correspondence and responses must be produced. Please produce all such documents.

According to the Court's current schedule, we are due to provide a status report on discovery on July 31, 2017. It is possible that this date will be adjourned, in the meantime, please respond to the above in order that we may learn Mr. Kadi's position on these gaps.

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Very Truly Yours,

KREINDLER & KREINDLER LLP



Andrew J. Maloney, III